

MINUTES
Regular Meeting of the College Park City Council
Tuesday, July 14, 2020
7:30 p.m. – 9:30 p.m.

Due to the COVID-19 Pandemic, this was a virtual meeting

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Rigg, Mackie and Mitchell.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Robert Marsili, Director of Public Works; Bob Ryan, Director of Public Services; Jim Miller, Parking Enforcement Manager; Brenda Alexander, Assistant Director of Public Works; Katie Hart, Community Development Planner; Adam Rosenbaum, Student Liaison; Julia Nihkinson, Deputy Student Liaison.

Mayor Wojahn opened the virtual Regular meeting at 7:30 p.m.

ANNOUNCEMENTS:

Councilmember Kabir reviewed the monthly community police meeting held last night; the next meeting will be August 10 at 7:30.

Councilmember Mitchell asked about a study being done on the Paint Branch Trail by the CPCUP. Mr. Somers provided information about the study on east side of the Paint Branch in the midtown area, north of the Gilbane project.

Councilmember Mackie reminded residents that the City website and Municipal Scene has information about upcoming virtual meetings of interest.

CITY MANAGER’S REPORT: Mr. Somers said:

- The Education Advisory Committee public forum with Joshua Thomas originally scheduled for tomorrow night has been postponed to July 29.
- We have awarded 27 grants for Small Business Assistance for \$30,000, and 14 grants for individual/family assistance for \$5,000 from CARES Act funds.
- There is a “Lay-on-the-table” item in virtual red folder re: Erie Street and 49th Avenue.
- The Town of Berwyn Heights is requesting agenda items for the July 22 Four Cities Virtual Meeting.

AMENDMENTS TO AND APPROVAL OF THE AGENDA

- Motion by Kennedy/second by Mitchell to move 20-G-124 (Award of Contract to WGCI for construction of Hollywood Dog Park) to Consent. 8-0.

- Motion by Rigg/second by Mackie to add a letter to support the designation of the TEED house as an historic site. 20-G-129 to Consent. 8-0.
- Motion by Mitchell/second by Kabir to add to the agenda a letter to the County Council about CB 48 re Homestead Property Tax Credit re clarity on referendum language. 20-G-130. 8-0.
- Motion by Brennan/second by Dennis to remove from the agenda item 20-G-127, Detailed Site Plan 19042 for Branchville Gardens multi-family apartment building and approval of a Declaration of Covenants. Applicant has requested a delay. 8-0.
- Motion by Rigg/second by Brennan to remove 20-G-122 from the agenda. The applicant’s request was withdrawn. 8-0.
- Motion by Rigg/second by Mackie to add a letter to PG Dept of Public Health and County Executive asking for more rigorous enforcement of COVID-19 restrictions re public gatherings in bars, restaurants and house parties in the City. 20-G-131 to Consent. 8-0.
- Motion by Rigg/second by Day to add to the agenda a letter to the County Executive on the status of the Calvert Hills Drainage Project. 20-G-132 to Consent. 8-0.
- Motion by Mitchell/second by Kennedy to remove the Kittleson presentation on the Upper Midtown Transportation and Land Use Study from the agenda. 7-0-1 (Rigg abstained).
- Request by Day to pull item 20-G-126 (Letters to Prince George’s County Police and Prince George’s County Sheriff’s Departments in reference to “No-Knock Warrants”) from the Consent agenda and place under Action items for discussion. (No vote required.)
- Motion by Dennis/second by Mitchell to adopt the agenda as amended. 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Carol Macknis, resident: Regarding the thank-you letter to the World Central Kitchen, meals were provided to more seniors than just those in Spellman House and Attick Towers. More organizations should be thanked, i.e. Sardi’s, our County officials, and volunteers.

Rachel Logan, reporter for College Park Here and Now newspaper: Asked how she can find out about an item that was removed from the agenda. Mr. Somers will follow up with her.

Kevin Cabrera, new Director of the College Park Aviation Museum: Mr. Cabrera introduced himself.

Thomas Tanner, Branchville Fire Department: Confirmed that the Branchville Gardens item was removed from the agenda.

CONSENT AGENDA: A motion was made by Councilmember Rigg and seconded by Councilmember Mitchell to adopt the Consent Agenda, which consisted of the following:

20-G-116	Approval of Coronavirus Relief Fund (CRF) Agreement with Prince George’s County, related Spending Plan, and approval of hazard duty pay for our refuse and recycling collection workers during the mandated shutdown (includes only certain payrolls in March, April and May 2020) (COVID-19) and that the City Manager be authorized to sign the agreement.
-----------------	---

20-R-17	Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2020-04, 9621 52nd Avenue, College Park, Maryland, Recommending Approval Of A Variance From The Prince George’s County Zoning Ordinance Sec. 27-442(E), Table IV, Which Specifies A Minimum Front Yard Setback Of 25-Feet In The R-55 Zone, To Construct A Roof Over A Front Porch.
20-G-117	Approval of a motion to authorize the cancellation of College Park Day due to the COVID-19 Pandemic.
20-R-18	Approval of City participation in the Wyland National Mayor’s Challenge for Water Conservation August 1 – 31, 2020 (delayed from April due to COVID-19).
20-G-123	Approval to extend the micro-mobility pilot program contract with VeoRide.
20-G-125	Approval of a Thank You letter to World Central Kitchen for providing free meals to residents at Attick Towers and Spellman House.
20-G-119	Approval of minutes from the March 3, 2020 Worksession; the March 3, 2020 Special Session; the April 14, 2020 Regular Meeting; the April 28, 2020 Regular Meeting; the May 5, 2020 Special Session; the May 5, 2020 Worksession; the May 12, 2020 Regular Meeting; the May 19, 2020 Special Session; the May 19, 2020 Worksession; the May 26, 2020 Regular Meeting; the June 2, 2020 Worksession.
20-G-129	Approval of a letter to support the designation of the TEED house as an historic site.
20-G-131	Approval of a letter to PG Dept of Public Health and County Executive asking for more rigorous enforcement of COVID-19 restrictions re public gatherings in bars, restaurants and house parties in the City.
20-G-132	Approval of a letter to the County Executive on the status of the Calvert Hills Drainage Project Consent Is it still on track.

The motion passed 8-0.

20-G-124: A motion was made by Councilmember Kennedy and seconded by Councilmember Rigg to approve item 20-G-124, Award of contract CP-20-07 to WGCI Enterprises for construction of Hollywood Dog Park subject to the approval of the City Attorney and authorize the City Manager to sign, as an additional Consent Agenda item. The motion passed 8-0.

ACTION ITEMS

20-G-120 Consideration of a request for an exemption from Prohibited Vehicle laws for a Ford van at 9019 St. Andrew's Place

Mr. Ryan said this is a request by the homeowner to park a normally restricted vehicle at 9019 St. Andrew's Place. Mr. Miller described the request by the homeowner to park his Ford van on the street. He is self-employed and this is his work vehicle.

A motion was made by Councilmember Mitchell and seconded by Councilmember Mackie to grant the exemption from the prohibited vehicle ordinance for this vehicle.

The applicant was not in attendance. There was no comment from the audience or the Council.

The motion passed 8-0.

20-G-121 Consideration of a request for an exemption from Prohibited Vehicle laws for two Ford vans at 5106 Berwyn Road

Mr. Miller described the request by the homeowner to park two normally restricted vehicles on the street. He is self-employed and these are his work vans. Mr. Miller said the applicant stated that only one will be parked on the street at any given time with the other parked in the driveway. The applicant was not present.

Councilmember Rigg asked if we should reconsider which vehicles are included under the Prohibited Vehicle ordinance. Mr. Somers said staff will look into this.

Councilmember Brennan asked if this item came forward because of a complaint. Staff said no, however vehicles were previously cited for being parked on the grass in the rear of this property which is what led to this request.

Councilmember Brennan said parking in this area of Berwyn Road is limited. He thinks the ordinance is in place because large work vans tend to take up more space than an average car. He added that this home has a rear driveway and garage. This is a difficult area for additional street parking. We should explore other alternatives first.

Councilmember Kabir asked if we have a process in place to notify the neighbors to get their input when requests like this are submitted. Mr. Miller said staff does not notify the neighbors.

Staff can work with the homeowner on other alternatives before bringing the request forward to park on the street

A motion to table this item was made by Councilmember Brennan and seconded by Councilmember Dennis. Motion passed 8-0.

20-G-128 Approval of a recommendation to the Prince George’s County Planning Board of support with conditions for the Detailed Site Plan 18047 for the College Park Marriott located at Campus Drive and River Road

Ms. Bader said this is a five story Marriott Residence Inn with 161 hotel rooms, 7,000 sq. ft. of retail, and 80 surface parking spaces. Since the Worksession last week, City Staff has revised their support of the parking space modifications to approve two additional spaces, but still recommends removing the 8 parking spaces from Lehigh. All other conditions remain the same. The Applicant agrees with the proposed staff conditions. The Planning Board date has been changed to September 24 to allow the applicant to request a departure regarding the provision of a 3rd loading space and to add parking spaces.

Art Horne, representing the applicant and David Bickel, civil engineer.

A motion was made by Councilmember Day and seconded by Councilmember Rigg that the City Council recommend approval of Detailed Site Plan 18047 with conditions in accordance with the staff recommendation dated July 10, 2020.

Councilmember Day said this will be a great addition to the City and the property will be well used given its location across from the College Park Metro

There were no comments from the audience or the Council.

The motion passed 8-0.

20-O-09 Introduction of Ordinance 20-O-09, an ordinance to change the name of the Planning, Community and Economic Development Department to the Planning and Community Development Department and to change the title of the Department Director

Mr. Somers said this is a housekeeping item to change the name of the Department and the title of the Department’s Director to reflect that the Economic Development position has been upgraded and moved into City Manager’s office. The new Economic Development Manager starts August 10. He added that this Ordinance touches several different sections of the Code where the title of this department appears.

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to introduce Ordinance 20-O-09.

Mayor Wojahn stated that the virtual Public Hearing will be held on Tuesday, August 11, 2020 at 7:30 p.m.

20-G-126 Approval of letters to Prince George’s County Police and Prince George’s County Sheriff’s Departments in reference to “No-Knock Warrants”

[This item was removed from the Consent Agenda for discussion.]

A motion was made by Councilmember Mackie seconded by Councilmember Brennan to approve the attached letters to the County Chief of Police and Sheriff regarding the use of “no knock” search warrants, and to authorize the Mayor to sign and send the letters.

Ms. Mackie said this letter would be beneficial to our police force and our citizens.

There were no comments from the audience.

A motion was made by Councilmember Day and seconded by Councilmember Rigg to postpone this letter indefinitely.

Councilmember Day said this letter has not been discussed with the full Council, that the incident that prompted the letter is over 4 months old and did not happen in College Park, and he thinks there is a better way to handle it. He would like us to discuss this at the Four Cities meeting to see if they want to work on this with us. There was a high-profile incident regarding a no-knock warrant in a neighboring town, so it seems relevant to the Four Cities. The County has instituted a police reform task force to receive comments; we should provide our comments to the task force at the proper time. We have sent so many letters to the police lately; we should have a clear and concise message.

Councilmember Kabir said the County task force will submit their report by October. He is fine with postponing this but we should set a time when we are going to bring it back.

Council asked staff to find out about the Task Force’s comment period and to schedule this item appropriately.

Councilmember Mitchell agrees with the amendment. She would like to see this discussed at the Four Cities Meeting first and hopes we can address this by September.

Councilmember Brennan thinks it’s always a good time to raise attention to policies that might need to be explored. The way that the letter is written is not controversial and asks them only to explore the policy issue. There is an opportunity to elaborate on it in the future to the Task Force.

Councilmember Rigg discussed his experience assisting with the execution of “No-Knock Warrants.” He would like to hear more discussion about the matter so he supports the amendment.

Mayor Wojahn noted that it was exactly 12 years ago at a Four Cities meeting that we received word about Mayor Calvo of Berwyn Heights being detained by police and that his dogs were shot and killed when the warrant was served. Mayor Calvo was falsely accused and what happened is an example of a no-knock warrant that went horribly wrong. He is glad that we are proceeding cautiously and will engage with the County through the process they are setting up.

The motion to postpone passed 7 - 1 (Mackie opposed).

20-G-130 Request for letter to Prince George's County re CB-48-2020 re Homestead Property Tax Credit re clarity for language

Councilmember Mitchell requested that the City Council send a letter to the Prince George's County Council to look at the language they propose to place on the ballot in the fall so that it will be as clear to the voters as possible. The County Council is discussing this on July 21, and if approved, will go on the ballot in November. There is concern that the language may not be clear when it goes on the ballot.

Councilmember Day clarified that the letter is not taking a position on the matter, just asking for clarity of the language they put on the ballot. Councilmember Mitchell said that is correct.

Mayor Wojahn asked what part of the language is unclear; without us proposing suggested alternative language, our letter is vague.

Councilmember Mitchell said there are two sentences they are using and some on the County Council have asked for clarification to make sure the common person who goes to the ballot box is clear on what they are voting for.

Mayor Wojahn agreed that in general the homestead tax credit is confusing.

Councilmember Kennedy thinks they are in the middle of the process and the letter would be premature at this point. She suggests we table this until they decide to put the measure on the ballot.

Councilmember Kabir said this bill is hugely important. He displayed the language in CB-48-2020 and said we can ask that the language be as comprehensible as possible. He thinks this request is timely.

Councilmember Day doesn't see the harm in asking the County Council to do what we would do in the situation, which is to make it clear to the people who are voting on the issue.

Councilmember Dennis asked if this would be a binding or non-binding referendum. He thinks we can help our City residents understand the full meaning, intent and consequence of the question proposed by our County Council.

Councilmember Mackie said it's a neutral letter and that it is our duty to help our citizens understand what they are voting on. She finds the language confusing.

Councilmember Kabir said the outcome of the vote would be final.

Councilmember Kennedy is concerned that we would be inserting ourselves in a political conversation between two sides, because our two County Councilmembers are on opposite sides of the matter.

Ms. Ferguson said they have a duty to make sure the language is clear and to provide the citizens with an explanation. She referred to the explanation of the Homestead Tax Credit on the SDAT website.

Mayor Wojahn said we could suggest that the County develop a mailing to the homeowner.

The Mayor and Council suggested edits to the letter.

A motion was made by Councilmember Rigg and seconded by Councilmember Kabir to approve a letter in substantially the form discussed to ask the County Council to ensure that any language related to the proposed Charter Amendment be made as clear as possible.

Councilmember Rigg said this is an important issue and we need to be clear on the impacts of the legislation.

There were no comments from the audience.

Councilmember Mackie encouraged the Council’s support; people have a hard time voting on issues like this when they aren’t clear.

Councilmember Dennis echoed Ms. Mackie’s comments and said each of us should help to make sure our residents are informed. The work doesn’t stop tonight.

The motion passed 8-0.

ADJOURN: A motion was made by Councilmember Brennan and seconded by Councilmember Mitchell to adjourn into closed session to consider a matter that concerns the proposal for a business to locate in the State and to consult with Counsel to obtain legal advice. Mayor Wojahn said the Council will not return to public session after the Closed Session. The motion passed 8-0 and the Regular Meeting was adjourned at 9:30 p.m.

Janeen S. Miller	Date
City Clerk	Approved

CLOSED SESSION
July 14, 2020

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article, Section 3-305, the Mayor and Council met in a Closed Session after the meeting on July 14, 2020 for the following purposes: To consider a matter that concerns the proposal for a business to locate in the State; To Consult with Counsel to obtain legal advice.

At 9:30 p.m., at the end of the regularly scheduled Council Meeting, a motion was made by Councilmember Brennan and seconded by Councilmember Mitchell to enter into the closed session. The motion passed 8-0 and after a recess the City Council began the closed session at 9:40 p.m. Due to the COVID-19 Pandemic, this was a virtual meeting. Mayor Wojahn was the designated Open Meetings trainee.

The Mayor and all Councilmembers were present. In addition, the meeting was attended by City Manager Scott Somers, Assistant City Manager Bill Gardiner, City Clerk Janeen Miller, and City Attorney Suellen Ferguson.

The Mayor and Council discussed a lease agreement, the possibility of a business locating in the City, and received legal advice from the City Attorney on these matters. No action was taken.

ADJOURN: At 10:09 p.m., on a motion by Councilmember Dennis and second by Councilmember Brennan, and a vote of 8-0, the closed session was adjourned.

CLOSED SESSION
June 24, 2020

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article, Section 3-305, the Mayor and Council met in a Closed Session on June 24, 2020 for the following purposes: To consider a matter that concerns the proposal for a business to locate in the State; To Consult with Counsel to obtain legal advice.

During a Special Meeting held on June 24, 2020, a motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to enter into the closed session. The motion passed 7-0 (Councilmember Rigg absent for the vote but present for the Closed Session) and after a recess the City Council began the closed session at 7:05 p.m. Due to the COVID-19 Pandemic, this was a virtual meeting. Mayor Wojahn was the designated Open Meetings trainee.

The Mayor and all Councilmembers were present for the Closed Session. In addition, the meeting was attended by City Manager Scott Somers, Assistant City Manager Bill Gardiner, City Clerk Janeen Miller, Planning Director Terry Schum and City Attorney Suellen Ferguson.

The Mayor and Council discussed a tax credit for a new development and received legal advice from the City Attorney on the matter. No action was taken.

ADJOURN: At 8:03 p.m., on a motion by Councilmember Dennis and second by Councilmember Kennedy, and a vote of 8-0, the closed session was adjourned.